

**MOTION FOR SUMMARY JUDGMENT
EXHIBIT 2
EMT Dominick Tolson's Deposition**

Dominick Clark Tolson

09/19/2006

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Volume: I

Pages: 1-60

Exhibits: None

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

NO. 05-11454 RGS

- - - - - x

Joseph H. Koran, and Kimberly Koran, individually
and on behalf of Ana Koran, Joseph Koran, Jr., and
Erik Koran, minors.,

Plaintiffs,

v.

Elizabeth Weaver and Town of Sherborn,

Defendants.

- - - - - x

DEPOSITION OF DOMINICK CLARK TOLSON

Tuesday, September 19, 2006

1:15 p.m.

SHERBORN Fire Department

22 North Main Street

Sherborn, Massachusetts

Reporter: Lori-Ann London, RPR

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Dominick Clark Tolson

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1	APPEARANCES:		
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1			your education and training.
2			A Okay.
3			Q Are you a high school graduate?
4			A Yes.
5			Q What year and what high school?
6			A Natick High School, 1976.
7			Q And after Natick High School, would you
8			tell me about your further education and training?
9			A Geez, that was a while ago. About a
10			year -- or two semesters at San Diego State.
11			Q Yeah.
12			A Two semesters at Framingham State.
13			Q Yeah.
14			A A semester at Quinsigamond.
15			Q Yeah.
16			A And 21 years in the United States Navy.
17			Q Honorable discharge?
18			A Yes.
19			Q And what was your -- what was your
20			rating on --
21			A Chief petty officer.
22			Q Besides the obvious stuff, what did you
23			do in the Navy?
24			A I was a hull maintenance technician.

2 (Pages 2 to 5)

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1	Q Did you do anything medically related in	1 A I was in the Navy from September 1976
2	the Navy?	2 until August 1998. 1998? I can tell you.
3	A I did eight years with the special	3 (Pause.)
4	warfare, which would be some combat first aid.	4 A '97 would make it 21 years.
5	Q Okay. At some point did you get some	5 Q Okay. And then was the fire fighter
6	certifications from the state of Massachusetts?	6 position with the town of Sherborn the first thing
7	A Yes.	7 you did when you got out of the Navy?
8	Q Tell me about those.	8 A No.
9	A I am a certified EMT.	9 Q What did you do before that?
10	Q When did you get that?	10 A I worked for an engineering company,
11	A Wow. Geez, it's five years ago.	11 Framingham Welding and Engineering, as a
12	Q So about 2001?	12 production planner.
13	A Yeah, yeah, because my current -- my	13 Q How long did you work for them?
14	current expiration is April 2007.	14 A Eight years while I was doing time in
15	Q Okay. So would it have been five years	15 the reserves, and from there, I went to the
16	before that?	16 Double E Company in West Bridgewater, and I'm a
17	A Four years before that, because you	17 regional sales manager.
18	recertify every two years. So it's my current	18 Q Okay. And for how long have you -- are
19	expiration.	19 you still with Double E?
20	Q So April 2003?	20 A Yes.
21	A That's correct.	21 Q Yeah. Okay.
22	Q All right. We're going to talk about	22 So you've been a fire fighter since
23	something today that happened in February of 2003.	23 1998. Are you a volunteer or --
24	Were you certified at that time?	24 A Yes. Volunteer, yes.
	Page 7	Page 9
1	A Yes, I was. Yes, I was.	1 Q Okay. So when did you -- so while you
2	Q Okay. So --	2 were doing these other things you just told me
3	A I'm sorry, it was before that.	3 about, you also have been a volunteer fire fighter
4	Q Yeah.	4 in Sherborn?
5	A It was before that.	5 A That's correct.
6	Q So did you have another --	6 Q And when you say you're a fire fighter
7	A In fact, it's been longer than that.	7 on -- what did you say, Engine 1?
8	Q Did you have a four-year term before	8 A Engine 1, yes.
9	that or --	9 Q Engine 1. Is that in addition to being
10	A No, it goes in two-year cycles. So I	10 an EMT?
11	guess it's been longer than that.	11 A That's correct.
12	Q So sometime before February 2003 you got	12 Q Okay. So you -- you get -- you get
13	your initial certification?	13 called out both for regular fire fighting duties
14	A Yes, and I can get the exact dates, we	14 and as an EMT?
15	have it on record.	15 A I'm no longer on the ambulance at this
16	Q Okay. What is your position with the	16 time.
17	town of Sherborn?	17 Q Oh, okay. Were you a regular fire
18	A I am a -- currently a fire fighter on	18 fighter continuously from '98 to the present and
19	Engine 1.	19 -- or did you switch back and forth from being a
20	Q And when did you start as a fire	20 fire fighter and on the ambulance?
21	fighter?	21 A I was continuous until now, till
22	A '98, 1998.	22 present.
23	Q Okay. Before -- what years were you in	23 Q Okay. And for how long a period of time
24	the Navy?	24 were you on the ambulance?

3 (Pages 6 to 9)

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1	A Up until about two years ago.	run over by a car. Patient's first complaint of
2	Q Okay. But you've maintained your	pressure on the first joint of the big toe, tender
3	certification as an EMT in the meantime, right?	to the touch. Transported to MetroWest Natick.
4	A That's correct.	Q Okay. And the other information, the
5	Q So how come you're not on the ambulance	things -- the boxes that are checked and the --
6	anymore?	the -- the patient information, and the dispatch
7	A It's kind of a conflict with work.	times, were those written -- all written by you?
8	Q Okay.	A Yes, this was. Yes, it was.
9	A As you can see, I do a lot of things.	Q And how about the vital signs, did you
10	Q Yes. I don't know how you do it all, to	enter those in there?
11	be honest with you, but it must be that Navy	A Yes, I took the vitals.
12	training.	Q Okay. Do you have a memory of this
13	A Yeah. Absolutely.	particular incident from February 6, 2003.
14	MR. LEEDBERG: I'm still trying to	A I have -- I remember some of this.
15	get over the fact that he's 49 years old. I would	Q Okay.
16	have guessed you're about 35.	A Some of what happened, yes.
17	(Off record.)	Q What I'd like you to tell me, if you
18	Q I'm going to show you a document that	would, is what you can recall about what happened
19	was marked as Exhibit 1 in the Christensen	at that time. Starting with you're at the -- you
20	deposition. Would you take a look at it for me,	were at the station here that evening?
21	please?	A Yes, yes, I was.
22	A Sure.	Q Would you start with that and tell me
23	(Document exhibited to witness.)	what you can recall happened?
24	(Witness perusing document.)	MR. LEEDBERG: I'm just going to
1	Q Did you get a chance to look at that	object as to form, but go ahead and answer.
2	document?	A The tone went off.
3	A Yes, I did.	Q The -- I'm sorry, the what?
4	Q Okay. Would you tell me whether or not	A The tone went off calling out the
5	the handwriting on that document is your	ambulance.
6	handwriting?	Q Okay.
7	A Yes, it is, up until this point.	A We -- Scott and I left. We were up in
8	(Indicating.)	the meeting room, went down, got in the ambulance
9	Q Up until which point?	and went to the call site, which was the Sherborn
10	A Up until this last statement that	Inn. At that --
11	says --	Q Can I stop you there?
12	Q Addendum?	A Sure.
13	A -- Natick. It says MetroWest Natick.	Q Was it just the two of you who went?
14	Q Okay. Where it says "addendum," that's	A I don't remember. I know it was --
15	not your writing?	Q Let me ask you specifically --
16	A That's not my writing.	A The two of us were in the front of the
17	Q Okay. Do you know whose writing that	ambulance, I know that.
18	is?	Q Do you recall whether or not Deputy
19	A No, I don't. This might be Scott's. I	Chief Buckler went with you?
20	don't know. I don't know.	A I'm not sure if he rode in the ambulance
21	Q Okay. All right. Would you do me a	or if he walked over. It's only a short walk.
22	favor and read where it says "comments," just read	Q Did he go to the scene too, though?
23	me the writing there, please, the part you wrote?	A He was at the scene, yes.
24	A "Patient had left foot and first big toe	Q Okay. All right. So you and Scott went

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1 in the ambulance to the scene. And where was the 2 scene?	1 somewhat with -- with Ron. He didn't pay a whole 2 lot of attention to Scott and I at that time.
3 A In the parking lot of the Sherborn Inn.	3 Q Okay. Did you hear any of that
4 Q Okay. And did you know going over there 5 what the call was for?	4 conversation?
6 A I don't remember exactly how the call 7 came in.	5 A No, I don't remember exactly what was 6 said.
8 Q Okay. When you got there, what did you 9 find?	7 Q Okay. When you started talking to him, 8 can you remember anything that you said to him and 9 he said to you?
10 A We found a man that was walking around, 11 and we proceeded to ask him what had happened, 12 there was also a couple of officers there.	10 A My -- my conversation with him was I 11 basically asked him where his pain was.
13 Q Okay. You say "we," did you speak with 14 him yourself?	12 Q Okay. And what did he say, if you 13 remember?
15 A Yes, I did.	14 A I don't -- I don't remember exactly what 15 -- what his reply was.
16 Q Yeah. And tell me about that, tell me 17 about your conversation with him, if you will.	16 Q Okay. Do you remember whether or not 17 his complaint seemed to be consistent with what he 18 said happened, being run over by a car, his foot 19 being run over by a car?
18 A I don't remember my exact words. My 19 best memory would be I asked him what his chief 20 complaint was and asked the officers what had 21 happened trying to evaluate the scene.	20 A Yes, I would say so, yes.
22 Q And do you recall what you learned?	21 Q Okay. What -- what did you observe --
23 A Yes.	22 well, tell me the mechanical things you did in 23 order to treat him if you would. You told me you 24 got him to sit down on the -- what did you say,
24 Q What was that?	
Page 15	Page 17
1 A We learned that his foot had been run 2 over by a car.	1 the back step of the --
3 Q Okay. And did you render treatment to 4 him yourself personally?	2 A Yes.
5 A Yes, I did.	3 Q -- of the ambulance?
6 Q Okay. Tell me what you did, if you 7 would.	4 And what is that, like the bumper, 5 or is there something else there?
8 A First we persuaded the patient to sit 9 down in the back -- on the back step of the 10 ambulance.	6 A Yeah, like the back bumper of the 7 ambulance.
11 Q Okay.	8 Q Okay. And so you got him to sit down, 9 and what happened next; what's the next thing that 10 occurs?
12 A We asked him if we could remove his shoe 13 so we could examine his foot. With some 14 resistance, he did let us -- finally let us do 15 that.	11 A We got him to remove his shoe --
16 Q When you say some resistance, what do 17 you mean?	12 Q Yeah.
18 A He wasn't -- at that point he wasn't 19 really receptive to our treatment.	13 A -- and his sock and we proceeded -- I 14 proceeded to -- to palpitate his foot for 15 tenderness and look for any signs of distortion, 16 broken bones, swelling, bruising, those types of 17 things.
20 Q Okay. And why was that, if you know?	18 Q Okay. Do you remember what you found?
21 A Well, he was -- he was not happy about 22 the whole situation, and he was -- he was quite 23 upset. From what I remember, he was -- he was 24 arguing with the police officers and talking	19 A Found slight swelling, to my best 20 knowledge. I don't recall if it was bruised or -- 21 I don't recall.
	22 Q Okay. What happened next?
	23 A We recommended that we transport, that 24 we take him to the hospital, and that he get it

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<p>1 examined and X rayed.</p> <p>2 Q Okay. Why was that?</p> <p>3 A It's a trauma injury. It should be --</p> <p>4 should be seen by a physician.</p> <p>5 Q Okay. Did he agree to do that?</p> <p>6 A Initially, no.</p> <p>7 Q And did -- did that change?</p> <p>8 A Yes.</p> <p>9 Q And how did it change -- did you have</p> <p>10 further conversation with him about that?</p> <p>11 A Yes.</p> <p>12 Q And tell me about that conversation.</p> <p>13 A We advised him that it was better to</p> <p>14 have it seen and treated now than to wait and have</p> <p>15 something develop later.</p> <p>16 Q Okay. So did he ultimately agree that</p> <p>17 he would be -- he would go to the hospital?</p> <p>18 A Yes.</p> <p>19 Q Okay. What did you do in terms of</p> <p>20 transporting him to the hospital; what are the</p> <p>21 steps that you took to transport him?</p> <p>22 MR. LEEDBERG: Object as to form,</p> <p>23 but go ahead and answer if you understand the</p> <p>24 question.</p>	<p>1 the usual treatment that you would apply in that</p> <p>2 situation?</p> <p>3 A A suspected break, you would splint.</p> <p>4 Q Okay. And do you have any recollection</p> <p>5 as to whether or not you did that?</p> <p>6 A I don't remember if we splinted or not.</p> <p>7 I don't recall.</p> <p>8 Q You said -- I think you said, and if I'm</p> <p>9 wrong, you correct me, I think you said you may</p> <p>10 have observed some swelling?</p> <p>11 A Yes.</p> <p>12 Q Okay. And what would the usual</p> <p>13 procedure -- the usual treatment be for observing</p> <p>14 swelling?</p> <p>15 A That would be a -- break a cold pack,</p> <p>16 put a cold pack on, transport.</p> <p>17 Q Okay. And, again, do you have any</p> <p>18 recollection as to whether or not you did that?</p> <p>19 A I believe we did that. I don't recall</p> <p>20 whether we did it prior to transport or during</p> <p>21 transport.</p> <p>22 Q Okay. How many of you were there in the</p> <p>23 ambulance when you transported him?</p> <p>24 A I was there myself, just myself.</p>
Page 19	Page 21
<p>1 THE WITNESS: I under the -- I think</p> <p>2 I understand the question.</p> <p>3 A Are you -- do you mean procedurally what</p> <p>4 did we do or....</p> <p>5 Q Well, the last thing I've got is he's</p> <p>6 sitting on the back step, you're examining his</p> <p>7 foot. What do you do after that in terms of</p> <p>8 taking him to the hospital; what other steps do</p> <p>9 you take?</p> <p>10 A We got him on the stretcher --</p> <p>11 Q Okay.</p> <p>12 A -- got him strapped down.</p> <p>13 Q Yeah.</p> <p>14 A And then left the scene and headed for</p> <p>15 the hospital.</p> <p>16 Q Okay. Did you -- aside from examining</p> <p>17 his foot, did you provide any treatment on the</p> <p>18 scene?</p> <p>19 A I don't remember.</p> <p>20 Q Do you remember whether you wrapped his</p> <p>21 foot or whether you did anything to his foot?</p> <p>22 A I don't remember.</p> <p>23 Q Given the type of injury that he</p> <p>24 complained of, what would be the usual procedure,</p>	<p>1 Q Okay. And --</p> <p>2 A Scott drove.</p> <p>3 Q Scott drove. And you were in the back?</p> <p>4 A Yes.</p> <p>5 Q Okay. So this is something you may have</p> <p>6 done while on route; is that what you're saying?</p> <p>7 A That's correct.</p> <p>8 Q Okay. And what can you tell me about</p> <p>9 Mr. Koran's position in the vehicle at that time?</p> <p>10 I think you said he was on the stretcher; is that</p> <p>11 right?</p> <p>12 A That is correct, he was on the</p> <p>13 stretcher.</p> <p>14 Q Okay. And what was the position of the</p> <p>15 stretcher, was he -- was he prone on the</p> <p>16 stretcher?</p> <p>17 A Yes. The stretcher was in the prone</p> <p>18 position, that's correct.</p> <p>19 Q Okay. Is there a reason why he would be</p> <p>20 prone at that particular time or -- as opposed to</p> <p>21 say sitting up or having his leg elevated or</p> <p>22 anything like that?</p> <p>23 A No, I don't think -- no particular</p> <p>24 reason.</p>

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<p>1 Q But your memory is that he was prone; is 2 that correct?</p> <p>3 A That's correct, yes.</p> <p>4 Q And did he remain that way for the 5 entire time of the transport?</p> <p>6 A That's correct.</p> <p>7 Q Where was it that you first saw 8 Mr. Koran when you came to the Sherborn Inn?</p> <p>9 A I don't remember exactly where he was.</p> <p>10 Q Okay. Did he have a vehicle?</p> <p>11 A I don't know.</p> <p>12 Q If he did, you didn't see a vehicle; is 13 that --</p> <p>14 A I don't know.</p> <p>15 Q Yeah. Okay. Where did you transport 16 Mr. Koran to?</p> <p>17 A MetroWest Natick.</p> <p>18 Q Okay. When you -- by the way, the -- 19 the times that are listed for dispatch, do you see 20 them on there?</p> <p>21 A Yes.</p> <p>22 Q They're in military time, right?</p> <p>23 A Yes.</p> <p>24 Q Yeah. And 6:46 sound like the right</p>	<p>1 Q I see. Okay. So you write them, but 2 you don't -- you don't actually look at your watch 3 and say, I'm doing it based on this particular 4 time; is that what you're saying?</p> <p>5 A That is correct.</p> <p>6 Q Okay. All right. So --</p> <p>7 A The only times --</p> <p>8 THE WITNESS: Can I --</p> <p>9 MR. LEEDBERG: Yeah, go ahead.</p> <p>10 A The only time I look at my watch is if 11 I'm doing something, if I'm performing something 12 on the patient.</p> <p>13 Q Taking a pulse or something?</p> <p>14 A Yes.</p> <p>15 Q How long would you estimate it 16 ordinarily takes to get from the Sherborn Inn to 17 the MetroWest Hospital?</p> <p>18 A 10 minutes, 15 minutes.</p> <p>19 Q Okay. All right. 6:52, about -- 20 approximately five minutes after you arrived at 21 the scene, would that be a time that you 22 entered --</p> <p>23 A That would be a time, yes.</p> <p>24 Q -- when you took the vital signs; is</p>
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<p>1 time for the dispatch, the initial dispatch?</p> <p>2 A Yes.</p> <p>3 Q And I guess you've said it's just down 4 the street so a minute later would be --</p> <p>5 A It's right there.</p> <p>6 Q Yeah. Okay. And then the departure 7 time seems to be 7:08 based on what's listed on 8 there. Does that sound like the right amount of 9 time that you were at the scene, about 20 minutes 10 or so, 21 minutes I guess technically?</p> <p>11 A I don't remember exactly.</p> <p>12 Q Okay. And then the -- the departure 13 time and then the hospital arrival time looks like 14 1950 or 1956. Does that sound right in terms of 15 the time it would take you to get to the hospital?</p> <p>16 THE WITNESS: I don't know how to 17 answer that.</p> <p>18 MR. LEEDBERG: If it doesn't sound 19 right, maybe it's -- if it's -- explain it, if you 20 can.</p> <p>21 A Well, I can -- I -- we get these times 22 from dispatch. We don't clock things as they 23 happen. We call in and dispatch tells us what our 24 times are.</p>	<p>1 that correct?</p> <p>2 A Yes, that would be.</p> <p>3 Q Okay. And you took the -- well, why 4 don't you tell me what each of the blocks means if 5 you would, please.</p> <p>6 A LOC, level of consciousness, times 7 three.</p> <p>8 Q What does that mean?</p> <p>9 A It basically means I did three 10 observations on his level of consciousness, 11 meaning did he answer me when I spoke with him, 12 was he cognizant of what I was saying, and did he 13 appear to have good motor function, good, you 14 know. The second was the blood pressure.</p> <p>15 Q Yeah. And -- I see it there, but why 16 don't you tell me what it says, just to be clear.</p> <p>17 A 160 over 120.</p> <p>18 Q Is that high?</p> <p>19 A Relatively high I would -- I would say, 20 yes.</p> <p>21 Q And what's the next reading?</p> <p>22 A Pulse.</p> <p>23 Q Yeah. What's that?</p> <p>24 A Would be -- it would be 80.</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q And is that -- 2 A That's in normal range. 3 Q Normal range, okay. 4 What's the next item? 5 A That -- that would be his respiration, his breathing -- 6 Q Okay. 7 A -- and it was normal range. 8 Q I can't make that out at all. Is that 9 what that says? 10 A Yeah, that's normal range. 11 Q Okay. Sorry. I thought it was 12 something scratched out; I couldn't tell. Thank 13 you. 14 Okay. So is it likely that within 15 five minutes after arriving at the scene you were 16 taking Mr. Koran's vitals? 17 A Yeah, I would say -- yeah, I would say 18 so. That's typical, yes. 19 Q Okay. So whatever -- whatever problems 20 there were initially with Mr. Koran wanting 21 treatment or not wanting treatment, at least 22 within five minutes after you got there, he was -- 23 he was submitting to having you take his vital</p>	<p style="text-align: right;">Page 28</p> <p>1 the ambulance? 2 A I don't remember. I don't remember 3 whether -- 4 Q Well -- 5 A Whether he -- I don't remember. 6 Q Okay. Let me ask it this way. 7 Do you recall while you were at the 8 Sherborn Inn taking the stretcher out of the 9 ambulance? 10 A I don't remember. I don't remember 11 that. 12 Q Okay. So -- well, there's -- and if I'm 13 saying this wrong, you correct me. There's only 14 two ways he could be on the stretcher; one would 15 be if you brought the stretcher out and he got on 16 it; the other would be if he got into the 17 ambulance and then got on the stretcher; is that a 18 fair statement? 19 A That's correct, that's fair, yes. 20 Q And you don't remember which it was? 21 A No, I don't. 22 Q Okay. When -- what was the weather like 23 at that time, do you recall? 24 A I think it was good weather. I believe</p>
<p style="text-align: right;">Page 27</p> <p>1 signs apparently; is that a fair statement? 2 A He submitted, yes. 3 Q Okay. All right. So you transport him 4 to the MetroWest Hospital. What happens there? 5 A We unload him from the ambulance. 6 Q Okay. And you say we. Tell me, if you 7 would, just what the procedure was. Were you 8 still in the back with him? 9 A Yes, yes, I was. 10 Q Okay. And what happened? 11 A I waited for Scott to open the doors and 12 release the stretcher. Scott released the 13 stretcher, we guide him out, and that's when it 14 dropped. 15 Q Okay. Scott opens the back doors of the 16 ambulance from the outside? 17 A That's correct. 18 Q Is that something you can't do from the 19 inside? 20 A You can, but you can't. I mean, it has 21 a latch, but you have to -- you have to be at the 22 head of the stretcher. 23 Q When Mr. Koran went into -- went on the 24 stretcher, did he get on the stretcher from inside</p>	<p style="text-align: right;">Page 29</p> <p>1 it was good weather. It wasn't -- I know it 2 wasn't raining or anything like that. 3 Q Was there snow on the ground, do you 4 recall? 5 A No, I don't recall whether or not -- no. 6 Q Okay. Was it cold? 7 A I don't think so. 8 Q All right. If I -- if I have the 9 picture correctly, Mr. Koran sits on the back of 10 the ambulance and takes his shoe off or you take 11 his shoe off? 12 A Um-hm. 13 Q Which was it, did you take it off or did 14 he take it off? 15 A I don't remember exactly whether it was 16 him or me. 17 Q Okay. Did you examine his foot while he 18 was sitting on the back of the ambulance? 19 A Yes. 20 Q Okay. 21 A Yes. 22 Q And then did you leave his shoe off 23 during transport? 24 A Yes.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q All right. When he -- how did he get 2 into the ambulance with his shoe off; did someone 3 assist him or did you bring the stretcher down and 4 put him in on the stretcher?</p> <p>5 MR. LEEDBERG: Objection as to form.</p> <p>6 Q Do you understand what I'm asking you?</p> <p>7 A I understand what you're asking me, but 8 I don't remember exactly.</p> <p>9 Q What would your usual procedure be if 10 you had someone who didn't have a shoe on in those 11 circumstances?</p> <p>12 A You would bring the stretcher out.</p> <p>13 Q Okay. It would be difficult with no 14 shoe on for him to step into it, wouldn't it --</p> <p>15 MR. LEEDBERG: Objection as to form.</p> <p>16 Q -- step into the ambulance?</p> <p>17 MR. LEEDBERG: Objection as to form.</p> <p>18 Answer if you can.</p> <p>19 A Yeah, I think that would be difficult, 20 yeah.</p> <p>21 Q And if you had a -- if you had a 22 question as to what the injury was to his foot, 23 you probably wouldn't want him to put any weight 24 on it, particularly as a barefoot, would you --</p>	<p style="text-align: right;">Page 32</p> <p>1 Q Was he assisting you too, do you 2 remember?</p> <p>3 A I don't remember whether he -- whether 4 he did or not.</p> <p>5 Q Okay. He was at the scene I think you 6 said?</p> <p>7 A He was at the scene. He was at the 8 scene.</p> <p>9 Q Okay. Did he go to the hospital with 10 you?</p> <p>11 A No, he didn't.</p> <p>12 Q In any event, at some point Mr. Koran is 13 strapped to the stretcher and the ambulance goes 14 to the MetroWest Hospital; is that right?</p> <p>15 A That's correct.</p> <p>16 Q Okay. You get there, and you've 17 indicated that Scott would have opened the doors 18 from the outside?</p> <p>19 A That's correct.</p> <p>20 Q Okay. And you would have been at the -- 21 looking in, you would have been at the back or the 22 head end of the stretcher; is that correct?</p> <p>23 A That's correct.</p> <p>24 Q Okay. And what -- what did Scott do in</p>
<p style="text-align: right;">Page 31</p> <p>1 MR. LEEDBERG: Objection as to form.</p> <p>2 Q -- in terms of your usual procedure?</p> <p>3 A Yes, you would not want him to put 4 weight on it, that's correct.</p> <p>5 Q Okay. Does that make it -- I understand 6 you don't presently recall, but does that make it 7 more likely that the procedure you would follow 8 would be to have him get on the -- pull the 9 stretcher out and have him get on the stretcher 10 rather than have him step up into the ambulance?</p> <p>11 MR. LEEDBERG: Objection as to form.</p> <p>12 A Yes, that would be -- procedurally, yes, 13 that would be the way you'd do it.</p> <p>14 Q Okay. In any event, he's in the 15 ambulance. Is he strapped to the stretcher?</p> <p>16 A Yes.</p> <p>17 Q Okay. Did you strap him yourself?</p> <p>18 A We all did -- we all do.</p> <p>19 Q Who's -- who's we all?</p> <p>20 A Well, myself, Scott, anybody that would 21 be there.</p> <p>22 Q Okay. Would that be your -- is it Ron 23 Buckler?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 33</p> <p>1 terms of getting Mr. Koran out of the ambulance?</p> <p>2 A I don't know what he did.</p> <p>3 Q Well, you said something before about he 4 unlocked the --</p> <p>5 A Typically that's what -- yeah, I can't 6 answer as to what he actually -- what he did, 7 but....</p> <p>8 Q Okay. Where was the -- how does that 9 locking device work?</p> <p>10 A It's a push bar.</p> <p>11 Q And where is it located?</p> <p>12 A You push it. It's located on the 13 right -- sorry, I can't remember -- left -- right 14 side. Push it and it unlocks.</p> <p>15 Q In terms of access to it, is this 16 something that's on the floor?</p> <p>17 A Yes, it's mounted to the floor.</p> <p>18 Q Okay. So is it difficult for you at the 19 head of the stretcher to get to that device?</p> <p>20 A You could not.</p> <p>21 Q Okay. So then Scott has to be the one 22 that unlocks that device; is that right?</p> <p>23 A That's correct.</p> <p>24 Q Okay. So it's -- is it fair to say that</p>

9 (Pages 30 to 33)

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<p style="text-align: right;">Page 34</p> <p>1 he must have unlocked the device or you couldn't 2 have gotten the stretcher out of the ambulance? 3 A That's correct. 4 Q Okay. And does that mean that the two 5 of you were then taking the stretcher out of the 6 ambulance, him at the foot and you at the head? 7 A That's correct. 8 Q Okay. What's your understanding as to 9 how the stretcher works in terms of taking it out 10 of the ambulance, what -- what -- what 11 mechanically occurs in order to bring it out? 12 A You roll it out and the wheels drop 13 down. 14 Q Okay. What makes them do that, is it -- 15 is it gravity or is there some device that's -- 16 that causes that? 17 MR. LEEDBERG: Objection as to form. 18 Answer if you know. 19 A There's a release. 20 Q Okay. You have to press -- you have to 21 press something in order for those legs to drop 22 down? 23 A I'm not sure if it's -- yes, you squeeze 24 the....</p>	<p style="text-align: right;">Page 36</p> <p>1 A The legs drop down -- 2 Q Yeah. 3 A -- we roll him out and it dropped. 4 Q Okay. To what level did it drop? To 5 what height, I guess, above the ground is what I'm 6 trying to say. 7 A I don't remember if it was the first or 8 the second or if -- if it was the first or it was 9 all the way down. I don't remember which one it 10 dropped to. 11 Q On your body -- 12 A Um-hm. 13 Q -- and by the way, Mr. Koran is prone at 14 this time, he's not seated? 15 A I don't remember if he -- if he was 16 prone or seated -- if he was -- 17 Q Okay. But let's -- let's just talk 18 about the prone -- the prone level. 19 A Um-hm. 20 Q Assume for the moment he was completely 21 prone. You mentioned you weren't sure which one 22 of two levels it went down to. Where would those 23 two levels come to on your body; could you tell me 24 that?</p>
<p style="text-align: right;">Page 35</p> <p>1 Q Okay. And what happens when they drop 2 down? 3 A They drop down, they hit the -- they hit 4 the ground, when it clicks, you roll away. 5 Q Okay. So there's -- is there -- is 6 there an audible sound that you hear when the legs 7 come down? 8 A Yes, you hear them come down, yes. 9 Q I mean, you mentioned -- you said click. 10 Do you actually hear a click sound? 11 A Yeah, you do. Yes, you do. 12 Q And is that something that you need to 13 hear to -- so you know that the legs are, in fact, 14 locked in place? 15 A Yes. Yes. 16 Q If the legs didn't click, would the legs 17 -- would they hold the stretcher up? 18 MR. LEEDBERG: Objection as to form. 19 Go ahead and answer. 20 A I don't know. That's the first time 21 I've ever -- I don't know. 22 Q Okay. All right. So you and Scott are 23 taking Mr. Koran out on the stretcher, and as 24 you're doing it, what exactly happens?</p>	<p style="text-align: right;">Page 37</p> <p>1 A Standing in the ambulance or on the 2 ground? 3 Q Oh, well, that's a good question. Were 4 you standing -- were you still in the ambulance 5 when this occurred? 6 A Yes. 7 Q Okay. Did you come down from the 8 ambulance at that point; did you step down from 9 the ambulance? 10 A Yes. 11 Q Okay. When you were standing next to 12 the stretcher at that point, where did the 13 stretcher come to on your body? 14 A I don't remember exactly. I don't 15 remember exactly. 16 Q Okay. Was it above the knees or below 17 the knees? 18 A I don't remember exactly. It was -- 19 Q Okay. What happened? You stepped out 20 of the ambulance and Mr. Koran was at one of those 21 levels. What -- what happened at that point? Was 22 there any conversation? Did you talk to him? Did 23 he speak with you or -- 24 MR. LEEDBERG: I object as to the</p>

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<p>1 form. Go ahead and answer it.</p> <p>2 A Yes, I said something to the effect of,</p> <p>3 That was strange. And then I asked Mr. Koran, you</p> <p>4 know, Are you okay? How are you? Are you fine?</p> <p>5 Q What did he say?</p> <p>6 A He said he was fine. He said he's okay.</p> <p>7 He just kind of looked up at me and....</p> <p>8 Q Okay. And what happened next?</p> <p>9 A We went -- we went right in.</p> <p>10 Q Okay. Was Mr. Koran at the level that</p> <p>11 patients usually are when you transport them on</p> <p>12 the stretcher?</p> <p>13 A No, no, he was not.</p> <p>14 Q So what did you do? Did you bring him</p> <p>15 back up to that level or did he stay at the level</p> <p>16 that the stretcher had fallen to?</p> <p>17 A He stayed at the level, he stayed at</p> <p>18 that level.</p> <p>19 Q Okay. Why was that?</p> <p>20 A I don't know. We just got him in there.</p> <p>21 Q Was it possible to raise him back up to</p> <p>22 a higher level?</p> <p>23 A I don't remember if we tried that or</p> <p>24 not.</p>	<p>1 level at which patients usually enter the</p> <p>2 hospital? A different height I'm talking about.</p> <p>3 A I don't recall if anything was said</p> <p>4 about it, no.</p> <p>5 Q Okay. And what did you do in terms of</p> <p>6 moving Mr. Koran from the stretcher to any other</p> <p>7 location?</p> <p>8 A I know they directed us to -- to one of</p> <p>9 the rooms, but I'm not sure how we got him onto</p> <p>10 the -- I don't remember how we got him onto the</p> <p>11 hospital bed.</p> <p>12 Q Okay. What would be your usual</p> <p>13 practice?</p> <p>14 A The usual practice would be that</p> <p>15 everybody line up on one side and the other side,</p> <p>16 take the sheet and lift him over --</p> <p>17 Q Okay.</p> <p>18 A -- or backboard, sheet or backboard,</p> <p>19 whatever.</p> <p>20 Q Do you have a memory of Mr. Koran at</p> <p>21 all; what he looked like?</p> <p>22 A (Witness nodded.)</p> <p>23 Q No?</p> <p>24 A No.</p>
Page 39	Page 41
<p>1 Q Okay. Would it have -- well, I guess</p> <p>2 you said this never happened before, but your</p> <p>3 ordinary practice was to transport people at a</p> <p>4 higher level; is that right?</p> <p>5 A Yes, that's correct.</p> <p>6 Q Okay. So does it seem likely that you</p> <p>7 would have tried to raise him back to that level?</p> <p>8 MR. LEEDBERG: Objection as to form.</p> <p>9 A Yeah, it seems like we would have tried</p> <p>10 that.</p> <p>11 Q And you don't have a recollection as to</p> <p>12 whether or not you were unable to do that for some</p> <p>13 reason.</p> <p>14 MR. LEEDBERG: Objection as to form.</p> <p>15 A I don't remember exactly trying to do</p> <p>16 it.</p> <p>17 Q Okay. Did you bring him inside the</p> <p>18 hospital?</p> <p>19 A Yes, we did.</p> <p>20 Q Okay. And when you got inside the</p> <p>21 hospital, what happened?</p> <p>22 A Turned him over to the charge nurse.</p> <p>23 Q Okay. Did anyone make note of the fact</p> <p>24 that he was at a level that was different from the</p>	<p>1 Q If I suggested he was a pretty big guy,</p> <p>2 would that -- would you have a memory one way or</p> <p>3 the other?</p> <p>4 A No.</p> <p>5 Q No. Okay.</p> <p>6 If you followed the usual procedure,</p> <p>7 would you have been able to do that if the level</p> <p>8 of the stretcher was lower than the level you were</p> <p>9 transferring him to? Do you understand what I'm</p> <p>10 asking you?</p> <p>11 A Yeah, I think so. I think so. Usual</p> <p>12 procedure you have a lot of -- a lot of people</p> <p>13 there to help you, and, yes, yes, you -- there's</p> <p>14 usually six to eight people and that's --</p> <p>15 Q Okay.</p> <p>16 A -- that can be accomplished.</p> <p>17 Q But usually aren't you going from a</p> <p>18 level of the stretcher to the level of the bed or</p> <p>19 whatever that is approximately the same height?</p> <p>20 A Yes. They're approximately the same</p> <p>21 height, yeah.</p> <p>22 Q So if the stretcher was at that lower</p> <p>23 level, you'd have to bring him up from that level</p> <p>24 to the level of the bed; do you understand what</p>

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<p style="text-align: right;">Page 42</p> <p>1 I'm asking?</p> <p>2 A Um-hm.</p> <p>3 Q And do you have any recollection as to</p> <p>4 whether or not that occurred and whether there was</p> <p>5 any -- as to whether or not it was necessary to</p> <p>6 bring him from a -- a different level to the level</p> <p>7 of the bed?</p> <p>8 A I don't remember. I don't remember.</p> <p>9 Q Okay. All right. What did you do after</p> <p>10 Mr. Koran was transferred to the bed or whatever?</p> <p>11 A Called dispatch and went to do the</p> <p>12 paperwork, went to do my paperwork.</p> <p>13 Q Which is what?</p> <p>14 A Which is basically this (indicating).</p> <p>15 Called dispatch for the times and then just a</p> <p>16 quick write-up as to what the call was about.</p> <p>17 Q Okay. Are you talking about the</p> <p>18 write-up on here (indicating)?</p> <p>19 A Yes.</p> <p>20 Q Did you fill out any other paperwork in</p> <p>21 addition to this document?</p> <p>22 A Typically, no. No, I don't recall doing</p> <p>23 that.</p> <p>24 Q Okay. Do you remember whether in this</p>	<p style="text-align: right;">Page 44</p> <p>1 stretcher back into the ambulance it has to be at</p> <p>2 a certain height; is that right?</p> <p>3 A That's correct.</p> <p>4 Q Okay. Do you know whether or not there</p> <p>5 was -- there was any problem in getting the</p> <p>6 ambulance -- the stretcher back to the right</p> <p>7 height for the ambulance?</p> <p>8 A I didn't do it.</p> <p>9 Q I understand. But did you -- did you</p> <p>10 learn from Scott that he had any problem doing it?</p> <p>11 A I don't remember exactly what he said,</p> <p>12 but he -- he just told me, well, he got it back</p> <p>13 in, he got it up and got it in. So --</p> <p>14 Q Okay.</p> <p>15 A -- I don't know exactly what -- I don't</p> <p>16 remember exactly what he said.</p> <p>17 Q But you're clear in your own mind you</p> <p>18 didn't assist him in getting it in?</p> <p>19 A No, no, I don't recall doing that.</p> <p>20 Q Okay. So mechanically, to get it back</p> <p>21 into the ambulance, the only way he could get it</p> <p>22 back in would be to get that end raised back up so</p> <p>23 that it would go in; is that a fair statement?</p> <p>24 MR. LEEDBERG: Objection as to form.</p>
<p style="text-align: right;">Page 43</p> <p>1 case you filled out anything that was different?</p> <p>2 You said typically. I mean, was it because</p> <p>3 something had happened, would you fill out any</p> <p>4 additional paperwork?</p> <p>5 A Other than the insurance forms, some</p> <p>6 insurance forms, sometimes it's done by, you know,</p> <p>7 we get the information. Most of the time the</p> <p>8 hospital gets the information.</p> <p>9 Q You're talking about the insurance forms</p> <p>10 for Mr. Koran to get his treatment?</p> <p>11 A Yes.</p> <p>12 Q Yeah, okay. I understand.</p> <p>13 Okay. So at that point you've done</p> <p>14 your paperwork. What did you do next?</p> <p>15 A Left the hospital, went back to the</p> <p>16 station.</p> <p>17 Q Okay. Before you did that, you had to</p> <p>18 put the -- you had to put the cot back in the --</p> <p>19 into the ambulance; is that right -- I mean,</p> <p>20 stretcher, rather, back into the ambulance?</p> <p>21 A I believe Scott did that. Typically</p> <p>22 what we do is one does the paperwork, one loads</p> <p>23 the am -- one puts the ambulance back in service.</p> <p>24 Q Okay. Now, in order to get the</p>	<p style="text-align: right;">Page 45</p> <p>1 Answer if you can.</p> <p>2 A The -- the stretcher has to be in the</p> <p>3 upright position to load it, the complete upright</p> <p>4 position to load it.</p> <p>5 Q Okay. Because if it's down, it would</p> <p>6 just hit the bumper, it wouldn't go up and over;</p> <p>7 is that --</p> <p>8 A Right.</p> <p>9 Q Do I understand that correctly?</p> <p>10 A You understand that correctly.</p> <p>11 Q So one way or another he must have got</p> <p>12 it back up to the height necessary to do that.</p> <p>13 That's true, isn't it?</p> <p>14 MR. LEEDBERG: Objection as to form.</p> <p>15 A I don't know what he did, but he must</p> <p>16 have.</p> <p>17 Q Okay. Any idea what that thing weighs?</p> <p>18 A No. Not offhand, no. An idea what -- I</p> <p>19 don't know what it weighs. I have no idea.</p> <p>20 Q Could one person lift it up and put it</p> <p>21 in by himself? You know, just physically lift it</p> <p>22 up off the ground and put it in the back of the</p> <p>23 ambulance?</p> <p>24 A I don't know. I never tried it. I</p>

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1 don't know. I never -- I never had to load it by
2 myself.

3 Q Okay. All right. Where did you ride
4 when you went back to the -- to the station?

5 A The passenger seat if I --

6 Q Okay. Did you examine the stretcher at
7 all after it was back in the ambulance?

8 A I don't remember if we did or not. I
9 don't remember offhand.

10 Q Okay. When you get back to the station,
11 do you remember whether or not you examined the
12 stretcher?

13 A I don't remember, no, whether or not we
14 did.

15 Q Did you have a concern about whether or
16 not the stretcher was going to operate properly
17 after that?

18 A Did I? No.

19 Q Well, if you -- say you had another call
20 that evening, you would have had to use that
21 stretcher; is that right?

22 A Yes, that's correct.

23 Q Okay. So were you concerned that it
24 might drop again?

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1 Q Okay. And tell me about your
2 conversation with her.

3 A She asked me if -- if anything had
4 happened on that -- this particular call, and I
5 told her what had happened, and she asked me to
6 write an addendum explaining what had happened. I
7 did that and I e-mailed it to her.

8 Q Okay. Where is the addendum?

9 A The addendum, I don't know.

10 Q It's not this addendum that's on here,
11 because you told me you didn't write that; is that
12 correct?

13 A No, I didn't write that.

14 Q Where did you e-mail from.

15 A My office.

16 Q Your office in West Bridgewater?

17 A Yeah.

18 Q Think you still got it?

19 A I know I don't because I looked for it.

20 Q And where did you e-mail it to?

21 A To Pam Dowse's e-mail address.

22 Q Okay. Is that a town address or a
23 personal e-mail address?

24 A I think it's her personal -- I don't

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1 A No, no, I don't -- I don't recall having
2 a concern about that.

3 Q Okay. Do you remember talking to anyone
4 when you got back about what had happened?

5 A What do you mean about what happened,
6 about the call with the stretcher?

7 Q Yeah, with the stretcher, yeah.

8 A No, I don't think we -- no, I don't
9 remember saying -- talking to anybody about that.

10 Q Okay. Was Ron Buckler here?

11 A I don't know. I don't remember.

12 Q Okay. Did you ever speak with anyone
13 after that trip about the stretcher and about the
14 problem with the stretcher?

15 A Yes.

16 Q Who did you talk to?

17 A Pam Dowse, I believe.

18 Q And what's -- Pam Dowse, D-O-W-S-E,
19 right?

20 A Yes.

21 Q What's Pam Dowse's position or role?

22 A At that time she was -- I don't remember
23 whether she was a lieutenant or captain of the
24 ambulance.

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1 know. I think it's her personal e-mail address,
2 but it's the same one that's on all of the fire
3 department correspondence.

4 MR. LEEDBERG: I'm sorry, my phone
5 -- my office keeps buzzing me. It must be
6 something important.

7 (Off record.)

8 Q I'm looking at a couple of pieces of the
9 fire department letterhead here, and I don't see
10 an e-mail address. Do you remember what the
11 e-mail address is?

12 A No.

13 Q Is it -- does the town of Sherborn have
14 a town-wide e-mail address, do you think, or is
15 there a separate one for the fire department?

16 A It's just an -- everybody just gives
17 their e-mail, and it just comes out on -- when you
18 receive an e-mail, there's like 40 or 50 of them
19 on there, and I just picked hers out. I don't
20 remember exactly which one it was, though, or what
21 it said. J. Dowse or something like that. I'm
22 not sure.

23 MR. LEEDBERG: All right. I'll look
24 into that and see if I can find some information

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<p style="text-align: right;">Page 50</p> <p>1 for you on that. 2 MR. DURSO: All right. 3 Q So when was it that you would have done 4 that -- that e-mail in relation to the event 5 itself. Would it have been sometime shortly after 6 February 6, 2003? 7 A After that date, yes. Yes. 8 Q I mean, but -- 9 A I don't remember exactly. 10 Q -- that month? 11 A How long after. I don't remember. 12 Q Okay. All right. And aside from that 13 addendum that you did the e-mail on, did you ever 14 fill out anything else or write anything else 15 about the incident? 16 A No, that was it. 17 Q Okay. Was there anybody else you spoke 18 to about the incident other than Pam Dowse? 19 A I don't remember offhand. You mean at 20 that time; is that what you're asking me? 21 Q No, at any time afterwards? 22 A Sure. I've spoken with the chief about 23 it a couple of times and.... 24 Q And that's Chief....</p>	<p style="text-align: right;">Page 52</p> <p>1 Q What else is there about the demeanor of 2 the patient that you haven't told me? 3 A I just -- I just thought it was odd that 4 he was more concerned about the woman that ran 5 over his foot and the cops than he was about his 6 foot. I just thought that was odd. 7 Q Okay. I'm going to show you what was 8 marked Exhibit 2 in Scott's deposition. Take a 9 look at that for a second, if you would, please, 10 okay? 11 (Document exhibited to witness.) 12 (Witness perusing document.) 13 A Okay. 14 Q Have you ever seen that before? 15 A I don't recall. I don't recall seeing 16 this. So Scott did an incident report. 17 Q Yeah. 18 A Okay. 19 Q Do you remember whether or not you 20 assisted him in any way in filling that out? 21 A I did not. I would have signed it. 22 Q Okay. Were you aware before this that 23 he had done this incident report? 24 A No, I don't remember. I don't remember</p>
<p style="text-align: right;">Page 51</p> <p>1 A McPherson. 2 Q McPherson, yeah. 3 Okay. Other than Chief McPherson, 4 anybody else you've spoken to that you can 5 remember? 6 MR. LEEDBERG: Besides me. 7 Q Yeah, besides lawyers. 8 A Scott. 9 Q Did you and Scott talk about it on the 10 way back from the trip? 11 A About the stretcher? I don't know. I 12 don't remember. We usually talk about fishing. 13 Q Where do you go fishing? 14 A Cape, down the Cape. 15 Q Did anyone ever say anything to you 16 about a handle being bent? 17 A Never heard anything about that. 18 Q Okay. Is there anything else about this 19 incident that -- that you can recall that you 20 haven't told me? 21 A Other than the demeanor of the patient, 22 I think I've -- I think I've told you everything. 23 Q Okay. 24 A My --</p>	<p style="text-align: right;">Page 53</p> <p>1 whether or not.... 2 Q Okay. And I want to show you what was 3 marked Exhibit 4 in Scott's deposition. 4 (Document exhibited to witness.) 5 Q Does this appear to you to be the type 6 of stretcher that we're talking about? 7 (Indicating.) 8 A It looks like it. I don't know if it's 9 the exact.... 10 (Witness perusing document.) 11 A Yes. 12 Q Okay. Referring to page 11 in that 13 exhibit, are you able to tell me looking at this 14 page the position that the -- that the stretcher 15 went into when it came out of the -- out of the 16 ambulance at the hospital? 17 A From that picture, no. I -- I couldn't 18 tell. I'd have to be standing at the side away 19 from it to judge. I couldn't tell. 20 Q Okay. 21 A I was standing up in the ambulance. 22 Q But didn't you come down and stand next 23 to it after that? 24 A Yes, yes, I did.</p>

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<p>1 Q Okay. So based on standing next to it, 2 can you -- can you tell me from any of these as to 3 what the position was?</p> <p>4 A I can't tell you exactly. I'm not -- I 5 don't know if it was this one or this one. I'm 6 not sure exactly which position. (Indicating.)</p> <p>7 Q Okay. I'm going to show you a picture 8 of the stretcher on page 7. As the stretcher is 9 coming out of the ambulance, what, if anything, do 10 you do in order to have the legs come down?</p> <p>11 A There is a -- a lever --</p> <p>12 Q Okay.</p> <p>13 A -- and you grab it and the legs just 14 drop.</p> <p>15 Q Okay. There's a lever at -- at the head 16 end?</p> <p>17 A Yes.</p> <p>18 Q Okay. Is there also a lever at the foot 19 end?</p> <p>20 A Yes, I believe so, yes.</p> <p>21 Q Okay. Do you have to press both levers 22 or will either lever let the legs come down?</p> <p>23 MR. LEEDBERG: Objection as to form. 24 Go ahead.</p>	<p>1 MR. LEEDBERG: Objection as to form.</p> <p>2 A You have to walk around to that side of 3 the stretch -- you can't reach it from the head or 4 the foot.</p> <p>5 Q Yeah. Okay. So what do you do to it to 6 load it into the -- what do you do to load it into 7 the ambulance; you have to release that lever?</p> <p>8 MR. LEEDBERG: Objection as to form.</p> <p>9 A Yes, you have to unlock it, yes.</p> <p>10 Q Okay. And then you push it into the 11 ambulance; is that what you're saying?</p> <p>12 A That is correct.</p> <p>13 Q Okay. And when you're coming out of the 14 ambulance and the legs lock down, that lever moves 15 into a locked position?</p> <p>16 A That is -- that is correct. I've never 17 watched it. I believe it does, though. It's 18 locked when you have to load it back, so....</p> <p>19 Q Okay. Did anyone ever say to you 20 anything about that lever being bent?</p> <p>21 A Never heard anything about that lever, 22 no.</p> <p>23 Q Never heard anything at all about it 24 bent or not bent; is that right?</p>
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<p>1 A You know what, I don't know if you have 2 to do them both at the same time. I don't know. 3 I don't know. I've always been at one end or the 4 other, so....</p> <p>5 Q Yeah, you can't be at both ends. How 6 about the auxillary lock, do you know what that 7 does?</p> <p>8 A The lock on the side?</p> <p>9 Q Yeah. (Indicating.)</p> <p>10 A If it's still -- still the same, it 11 just -- it locks the -- it locks the stretcher in 12 that position.</p> <p>13 Q Okay. And does that move into place 14 when the legs come down?</p> <p>15 MR. LEEDBERG: Objection as to form. 16 A I believe it's an automatic click, and I 17 never really paid attention to what position. I 18 just believe it lock -- I believe it moves 19 automatically.</p> <p>20 Q Okay. And is that a device that would 21 release the legs so that they would fold?</p> <p>22 A During loading or unloading?</p> <p>23 Q Well, you can't reach it while you're 24 loading; is that right?</p>	<p>1 A Nobody said anything to me about the 2 level, no. I don't recall -- I don't remember 3 anything about the lever.</p> <p>4 Q All right. Thank you.</p> <p>5 MR. DURSO: Okay, I think we're 6 almost done. Just give me two minutes here 7 and....</p> <p>8 (Pause.)</p> <p>9 MR. DURSO: Okay, I think I'm all 10 done with the questions I have for the witness at 11 this time, but I just want to say for the record 12 that if there's anything significant in the e-mail 13 if we get it, then I may have to ask him to come 14 back.</p> <p>15 MR. LEEDBERG: Sure. We'll leave it 16 open.</p> <p>17 MR. DURSO: Or I may have to go down 18 and question you in Costa Rica.</p> <p>19 THE WITNESS: Well, be more than 20 happy to have you come down and question me down 21 there. You can all come down.</p> <p>22 MR. LEEDBERG: If I do locate the 23 e-mail if it's still available and it's not 24 privileged, work product, or prepared in</p>

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1 anticipation of litigation, then we'll turn it 2 over --			1 E R R A T A S H E E T							
2 MR. DURSO: Yeah.			2 I, DOMINICK CLARK TOLSON, the							
3 MR. LEEDBERG: -- and if there's any			3 within-named deponent do hereby certify that I							
4 questions you have, we'll be happy to --			4 have read the foregoing transcript of my							
5 MR. DURSO: Sure. I understand.			5 testimony, and further certify that said							
6 MR. LEEDBERG: -- meet again.			6 transcript is a true and accurate record of said							
7 MR. DURSO: Okay. Thank you.			7 testimony (with the exception of the following							
8 (Off record at 2:35 p.m.)			8 corrections listed below):							
9			9 Page Line Correction							
10			10							
11			11							
12			12							
13			13							
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15			15							
16			16							
17			17							
18			18							
19			19							
20	20 Signed under the pains and penalties of			21 perjury this day of , 2006.						
21	22			23						
22	24			DOMINICK CLARK TOLSON						
Page 59										
1 CERTIFICATE										
2 COMMONWEALTH OF MASSACHUSETTS										
3 BRISTOL, SS										
4										
5 I, Lori-Ann London, Registered										
6 Professional Reporter and Notary Public in and for										
7 the Commonwealth of Massachusetts, do hereby										
8 certify:										
9 That, DOMINICK CLARK TOLSON, the witness										
10 whose deposition is hereinbefore set forth, was										
11 duly sworn by me and that such deposition is a										
12 true record of the testimony given by the witness										
13 to the best of my knowledge, skill, and ability.										
14 I further certify that I am neither										
15 related to, nor employed by, any of the parties in										
16 or counsel to this action, nor am I financially										
17 interested in the outcome of this action.										
18 IN WITNESS WHEREOF, I have hereunto set										
19 my hand and seal of office this 2nd day of October										
20 2006.										
21										
22 Lori-Ann London, RPR										
23 Notary Public										
24 My commission expires: 6/15/2012										

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